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## Public Comments

Erickson Residence, Use Permit Exception to the Conservation Regulations (P21-00067), Exception to the Napa County Road and Street Standards, and Viewshed Application (P22-00276).

Planning Commission Hearing Date November 15, 2023

# California Native Plant Society

April 7, 2023

Napa County Planning Commission  
Attn: Kara Brunzell, Megan Dameron, Andrew Mazotti, Heather Phillips, Dave Whitmer  
1195 Third Street, Second Floor, Suite 210  
Napa, CA 94559-3092

Re: Osborn Erickson Exception and UP: P21-00067

Dear Commissioners,

The property owners of the aforementioned Exception propose to “improve” an existing road to provide access to a proposed residence and an additional dwelling unit (ADU). The biological studies conducted prior to approval of this project found several issues of biological concern regarding such improvements and construction of dwellings. The project design should seek to minimize the impact to significant biological resources. At issue are impacts to special status plant species and damage to forest habitat. Various documents regarding the site allude to the decline or loss of some values due to damage caused by the Glass Fire. It should be noted that while the impacts were severe, they should be viewed as temporary. Understandably, damaged trees provide a risk and liability that has to be dealt with. Going forward, plans should be to allow or amplify recovery along the road corridor. This preventive tree removal must not be used as an opportunity to permanently eliminate forest canopy. California plant communities have evolved mechanisms to insure long-term recovery. Fire temporarily destroys habitat but post-fire rejuvenation creates a temporary niche for many species that rapidly respond and nurture the community back to maturity. This may take 20 or more years for a forest but all of the species and conditions that existed prior to the fire may well be expected to return, including suitability to birds and other wildlife. The alignment of the road should follow the existing roadway to the greatest extent possible. It is laudable that a revision in the design has reduced the loss of forest from 2.3 acres to 0.29 acres. Perhaps additional improvement can be made. Our hope is that damaged forest will be permitted to fully recover. Associated documents do not confirm that this is a goal.

The proposed mitigation of impacts to Napa False Indigo needs further clarification. It appears that the applicant proposes to directly impact this special status species and mitigate the losses by establishing plants elsewhere. Napa False Indigo is known from 73 recorded populations of which the vast majority include numbers of less than 100 plants, some with less than 10 plants. Only 4-6 of the known populations have numbers approaching or exceeding the number found on the Osborn Erickson roadway. It is unacceptable that a population of 200 individuals will be destroyed and replaced by, at best, a temporary population. A much more successful solution is to direct activities around these



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plants. While avoidance is mentioned in the Bio Memo 3-10-2023, "where possible", there is no indication as to how many and where plants will still be removed. Removing hundreds of special status plants and attempts to raise and plant out replacements defies logic. The species is rare because it has restricted habitat requirements. Out-planting may have some success with proper management but it is very likely to fail over time. Finally, impacts to Narrow-anthered Brodiaea can perhaps be reduced by shifting the construction envelope.

We live in a very different world today than we lived in even ten years ago. It behooves us to minimize further impacts that contribute to an everchanging climate. Our environmental practices continue to fall short of safeguarding our planet for our future and the future of our children.

Thank you for your consideration,



Jake Ruygt  
Conservation Chairman  
Napa Valley Chapter, CNPS  
2201 Imola Avenue  
Napa CA 94559



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**From:** [Gary Margadant](#)  
**To:** [PlanningCommissionClerk](#)  
**Subject:** Comment, Erickson Residence (P21-00067) 4/19/2023  
**Date:** Tuesday, April 18, 2023 11:28:00 PM

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Erickson Residence, Use Permit Exception to the Conservation Regulations (P21-00067)

Having viewed the video of the February 1, 2023 Commission proceeding of the Erickson Residence (P21-00067) I was struck by the response of Commissioner Whitmer, describing the amount of data and complexity of mitigations proposed by the Planning department for this project to meet the Napa County Conservation Regulations. "Too Much, Too Big". in a rejection of the efforts to mitigate the dangers to the Napa County Hillside Environment posed by this development proposal:

Planner Chris Sawyer: Ag Watershed. The project encounters Slopes between 30% and 60%. A Driveway crossing 9 parcel borders, encroaching on blue line stream setbacks in 8 locations, and Ephemeral Streams in 4 locations.

Disturbances to streams & waterways shall be minimized!

Encroachments minimized to only the necessary efforts to complete the project.

Average slopes of 39% in the Roadways and project locations.

The 6 mitigations & monitoring requirements originally proposed by staff and consultants increased to 11 after comments by the CA Dept of Fish & Wildlife.

No time allocated for reading late additions received 1 day before the commission meeting.

No Disclosures by all 3 commissioners: (site visits, applicant and consultant conversations?)

(Granted, this was a large and complicated conservation project with many issues to consider)

Commissioner Dameron questioned the purpose of Conservation Regulations.....minimizing effects of earth movement on natural terrain, encouraging development proposals to minimize the effects of 750' of new road. When is an EIR required?

Laura Andersen, NC counsel office, explaining that an EIR is generally required if Environmental impacts cannot be mitigated. This project has mitigations that reduce impacts to a less than significant level, so no basis to require an EIR. Only if we did find some unmitigated impacts.

Commissioner Mazotti - no issues on my part.

Commissioner Whitmer - Too big an ask, related to the current standards. Exceptions are generally recognized to improve the Environmental situation.

Commissioner Dameron - Level of threatened species, disturbances, level of exceptions, # of threatened species

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Dan Sidle, Biologist consultant for LSA. - Spotted owls - not likely in a burned out area. (? will they return upon regrowth?) CA DFW asked for a wider area evaluation.

Western Pond Turtle, Yellow Legged Frog. Project Locations are not good habitat for these species, but may occur nearby. CA DFW are increasing monitoring & areas of concern.

The Conservation Regulations deserve a better hearing for the extensive nature and problems exposed by this project.

The project complexity and inspection demands are detrimental to conservation efforts and current design should be rejected. Is this project too remote, too complicated to allow such development? Perhaps a different approach is needed.

Respectively,  
*Gary Margadant*

**From:** [Patricia Damery](#)  
**To:** [PlanningCommissionClerk](#)  
**Subject:** Erickson Residence (P21-00067)  
**Date:** Wednesday, April 19, 2023 7:30:47 AM

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Dear Planning Commissioners,

I was horrified to read the details of the first Erickson residence hearing. Commissioner Whitmer, Your statement is one of the few showing common sense as well as naming the facts for what they are: "This is too much, too big."

For a project in our Ag Watershed, and at this time of the uncertainties of climate change, we need to protect the land and the streams as they are our hope of resilience. TThere is no way to mitigate the damage done by the extreme measures here. What is our planning staff doing? I am really appalled.

Please vote no on the use permit exception to the conservation regulations (P21-00067). We are in a new time. Our efforts need to be ones of conservation.

Patricia Damery